IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 3690 of 2005

Between:

R.Manemma, W/o.Rayappa,
R/o.Mogalrajapuram, Vijayawada, Krishna District.

..... PETITIONER

AND

1 The District Collector, Krishna District, Machilipatnam.
2 The Mandal Revenue officer, Vijayawada urban, Vijayawada, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a mandamus or any other appropriate writ, order or direction directing the Respondents to consider and pass appropriate orders on the representations dt.17-12-2002 and 1-11-2004 submitted by the petitioner herein to the Respondents 1 and 2 herein respectively.

Counsel for the Petitioner: MR.A.V.SESHA SAI

Counsel for the Respondents: GP FOR ASSIGNMENT

The Court at the admissions stage made the following :

ORDER:

The petitioner states that she is in occupation of Government land in an extent of 92 square yards at Mogalrajapuram Village of Vijayawada, Krishna District. Proceedings were initiated against her under the provisions of the A.P.Land

Grabbing (Prohibition) Act (for short 'the Act'). Ultimately, she filed W.P.23692 of 1998 challenging the orders passed under that Act. The writ petition was disposed of on 23.03.2000, directing that it shall be open to her to make an application for regularization of the encroachment in terms of G.O.Ms.No.508, dated 20.10.1995. The petitioner made such a representation. According to her, the respondents are now demanding a sum of Rs.1,75,000/- for regularization of the encroachment. She states that the Government had prescribed guidelines, in the matter of fixation of the amounts for the purpose of regularization, in G.O.Ms.No.508, dated 20.10.1995, and thereafter in G.O.Ms.No.515, dated 19.04.2003. The petitioner contends that her encroachment over the land is to be regularized as per the guidelines in G.O.Ms.No.515, dated 19.04.2003. She claims to have made representations on 17.12.2002 and 01.11.2004 in this regard, and complains that no action has been taken thereon.

Heard learned counsel for the petitioner and learned Government Pleader for Assignment.

The proceedings initiated under the Act against the petitioner ultimately ended in W.P.No.23692 of 1998. While affirming the finding that the petitioner had encroached upon Government land, it was left open to her to seek the remedy of regularization of the encroachment in terms of G.O.Ms.No.508 dated 20.10.1005. Even while the representations of the petitioner for regularization of the encroachment was pending, the Government issued G.O.Ms.No.515 dated 19.04.2003. The fixation of market rate for the purpose of regularization is referred to therein. The guidelines contained in G.O.Ms.No.455, dated 29.07.2002 are made applicable in this regard. The question as to whether the petitioner is entitled to the benefit of the said G.O. needs to be considered by the respondents. This court cannot record any finding in this regard. The representations of the petitioner cannot be kept pending indefinitely. It is represented that the last date stipulated for consideration of the cases for regularization of encroachments is 31.03.2005.

In that view of the matter, the writ petition is disposed of, directing the respondents to pass appropriate orders on the representations made by the petitioner before 31.03.2005. There shall be no order as to costs.

09.03.2005

Note: Issue C.C. in three days.

(B/o)

Jsu
To

1 The District Collector, Krishna District, Machilipatnam.
2 The Mandal Revenue officer, Vijayawada urban, Vijayawada, Krishna District.

32 CCs to the G.P. for Revenue, High Court Buildings, Hyderabad. (OUT)

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